

April 4, 2005

STAN LONG
3340 BEITY RD
VALLEY WA 99181

ARLENE SPARKS & KAREN FROSTAD
COMMITTEE TO DISSOLVE THE SCRLD
PO BOX 1
KETTLE FALLS WA 99141

Subject: Complaints filed against Officials of the Stevens County Library
District – PDC Case #04-454

Dear Mr. Long, Ms. Sparks and Ms. Frostad:

The Public Disclosure Commission (PDC) staff has completed its investigation of the complaint received on January 10, 2003 from Stan Long, and the complaint received on January 31, 2003 from Arlene Sparks and Karen Frostad, alleging that officials of the Stevens County Rural Library District (SCRLD) including Regan Robinson, Director, SCRLD, violated RCW 42.17.130 by using public facilities to oppose a ballot measure seeking dissolution of the district through the use of mailings, library district equipment and staff.

The statute implicated by the complaint filed in this matter is RCW 42.17.130, which prohibits use of public facilities to support or oppose campaigns. On July 29, 2002, the King County Superior Court entered a permanent injunction that affected PDC activities to enforce and educate the public about RCW 42.17.130. The case was *Washington Education Association v. PDC*. The PDC had produced guidelines discussing RCW 42.17.130. The WEA filed a lawsuit challenging the guidelines and raising constitutional claims concerning RCW 42.17.130. Despite the PDC's objections, the superior court ordered the PDC to remove the guidelines from its website, to not further disseminate the guidelines as written or disseminate similar information about RCW 42.17.130, and to not initiate or engage in enforcement activities based upon the guidelines as written or similar information. The PDC appealed to the State Supreme Court. On December 11, 2003, the State Supreme Court reversed the superior court. The Supreme Court issued a mandate to the superior court on January 5, 2004, which formally concluded the case. The PDC resumed its usual activities regarding RCW 42.17.130. One of those activities was to process complaints that had been pending or were received at the time the permanent injunction was in effect. Investigation of your complaint was restarted April 27, 2004 following the State Supreme Court's reversal of the Permanent Injunction.

PDC staff reviewed your complaints in light of the following statute:

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

Stan Long alleged that the SCRLD's 2002 budget item of \$3,800 for elections costs constituted a use of public funds to oppose a ballot measure, an alleged violation of RCW 42.17.130. We found that the district was required by law to pay the Stevens County Auditor for the November 5, 2002 dissolution ballot measure.

Mr. Long alleged that the district made approximately \$9,500 in additional expenditures connected with its alleged effort to oppose the dissolution ballot measure, an alleged violation of RCW 42.17.130. We found that most of the expenditures were related to the normal costs of operating a library, including rent, subscription services, mileage expenses for normal library-related travel, advertising for reading programs, and expenses related to special programs for children. The district's payments for legal expenses related to the conduct of the dissolution election, which the district was required to sponsor, were part of the normal and regular conduct of the district.

Mr. Long alleged that the SCRLD posted content to its web site which answered criticism of the tax that funds the library district; he alleged that this content constituted a prohibited use of public facilities to oppose a ballot measure, an alleged violation of RCW 42.17.130. We found that the content in question was posted to the district's Web site following the unsuccessful effort in 2000 to place a dissolution measure on the ballot in Stevens County, and was intended to answer questions concerning that failed effort.

Arlene Sparks and Karen Frostad alleged that SCRLD Director Regan Robinson traveled to candidate forums at district expense. We found that Ms. Robinson was not paid mileage to attend these candidate forums.

Ms. Sparks and Ms. Frostad further alleged that a publication titled "*Your Library Matters*" produced and distributed by SCRLD in October of 2002 promoted a vote against the November 5, 2002 dissolution measure.

We found that:

- The SCRLD mailed 19,000 copies of this publication to Stevens County box holders, at a cost of \$5,156.
- The method and extent of distribution for this publication differed significantly from that of past SCRLD publications, which had never been distributed to more than 5,000 recipients.

- When describing who uses the SCRLD, the brochure described 22 different library uses, including descriptions such as: “*Preschoolers who enjoy story times.*” and “*People who support free and open information for everybody.*”
- The brochure also included the words “Please vote November 5!” displayed inside a sunburst graphic.
- The brochure included a map with a legend stating that the map showed the locations of the SCRLD libraries, city libraries and book return box locations. However, the map only included city libraries with which the district had negotiated contracts. It did not show the city library located in Kettle Falls because it did not have a contract with the SCRLD. The failure to include the Kettle Falls city library on the map left the incorrect impression that if the dissolution measure passed, there would not be a library in Kettle Falls.

PDC staff believes there is evidence that officials of the Stevens County Rural Library District, specifically Regan Robinson, Director, SCRLD, used the facilities of the district to oppose the dissolution ballot measure, in violation of RCW 42.17.130, by publishing and distributing a brochure that was not a fair and objective presentation of the facts, and that was distributed to a significantly larger group than was the normal distribution for prior district publications. Ms. Robinson will be cautioned that PDC staff believes her actions violated RCW 42.17.130, and that if she or other SCRLD officials engage in similar actions in the future, enforcement action will likely be taken.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Public Disclosure Commission, I am dismissing your complaint against Regan Robinson and officials of the Stevens County Rural Library District.

If you have questions, please feel free to contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Regan Robinson, Director, Stevens County Rural Library District